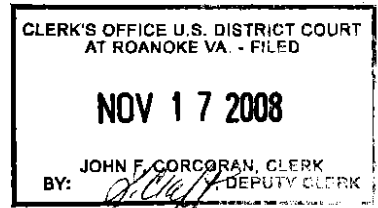


**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION**



JAMES C. GRAHAM,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

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Civil Action No. 7:07-cv-00377

FINAL ORDER

By: Hon. Glen E. Conrad

United States District Judge

This action, brought as a motion to vacate, set aside or correct sentence, pursuant to 28 U.S.C. § 2255, is before the court upon the Report and Recommendation of the United States Magistrate Judge, prepared pursuant to 28 U.S.C. § 636(b). The Magistrate Judge recommended that the motion to vacate, set aside or correct sentence, pursuant to 28 U.S.C. § 2255, be dismissed. The ten (10) days allotted under § 636(b) for parties to object to the findings and recommendations in the Magistrate Judge's Report have expired, and neither party has filed objections. Accordingly, it is hereby

ORDERED

that the Report and Recommendation of the Magistrate Judge shall be and hereby is **ADOPTED** in its entirety; the government's motion to dismiss is **GRANTED**; the amended motion to vacate, set aside or correct sentence, pursuant to 28 U.S.C. § 2255, is **DISMISSED**; and this action is hereby stricken from the active docket of the court.

The Clerk is directed to send copies of this order to counsel of record.

ENTER: This 17th day of November, 2008.

[Signature]

United States District Judge